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Attorney for Defendant
NEHEMIAH AVILA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NEHEMIAH AVILA, CEASAR MARTINEZ,
and RICARDO MARMOLEJO,

Defendants.

Case No.: 2:21-cr-020 MCE

STIPULATION AND ORDER
CONTINUING STATUS CONFERENCE
AND EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT

Date: March 25, 2021
Time: 10:00 a.m.
Court: Hon. Morrison C. England, Jr.

Plaintiff United States of America by and through Assistant United States Attorney
Michael Beckwith, and Attorney Todd Leras on behalf of Defendant Nehemiah Avila, Assistant
Federal Defender Hannah Labaree on behalf of Defendant Ceasar Martinez, and Attorney Dina
Santos on behalf of Defendant Ricardo Marmolejo, stipulate as follows:

1. This matter is presently set for an initial status conference on March 25, 2021. By
this stipulation, Defendants Avila, Martinez, and Marmolejo move to continue the
ORDER CONTINUING STATUS
CONFERENCE

1 status conference to April 22, 2021.

- 2 2. This case involves a conspiracy to distribute controlled substances. Investigation of
3 the matter included the use of court-authorized wiretaps. The government has
4 provided defense counsel with some offense reports and indicates that a significant
5 volume of material related to phone calls intercepted pursuant to the wiretaps is being
6 prepared for production as discovery. Defense counsel requires additional time to
7 review these materials with their respective clients and to conduct investigation as to
8 potential defenses. Efforts to conduct defense investigation are currently hampered
9 by the ongoing COVID-19 pandemic.
- 10 3. The Chief Judge for the Eastern District of California has issued a series of orders,
11 including General Orders 612, 617, 618, 620, 624, and 628, restricting access to
12 federal courthouses within the district since March 18, 2020. The most recent of
13 these orders, General Order 628, issued on January 4, 2021, extended the courthouse
14 restrictions for 90-days from the issuance date – or until approximately April 5, 2021.
- 15 4. Given the need for defense investigation, Defendants Avila, Martinez, and Marmolejo
16 request to continue the status conference in this matter to April 22, 2021, at 10:00
17 a.m., and to exclude time between March 25, 2021 and April 22, 2021, inclusive,
18 under Local Code T-4. The United States does not oppose this request.
- 19 5. All defense counsel represent and believe that failure to grant additional time as
20 requested would deny Defendants Avila, Martinez, and Marmolejo the reasonable
21 time necessary for effective preparation, considering the exercise of due diligence.
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1 DATED: March 22, 2021

2 By /s/ Todd D. Leras
3 TODD D. LERAS
4 Attorney for Defendant
5 NEHEMIAH AVILA

6 DATED: March 22, 2021

7 By /s/ Todd D. Leras for
8 HANNAH LABAREE,
9 Assistant Federal Defender
10 OFFICE OF THE FEDERAL
11 DEFENDER
12 Attorneys for Defendant
13 CEASAR MARTINEZ

14 DATED: March 22, 2021

15 By /s/ Todd D. Leras for
16 DINA SANTOS
17 Attorney for Defendant
18 RICARDO MARMOLEJO

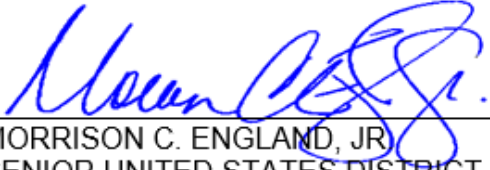
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28 ORDER CONTINUING STATUS
CONFERENCE

ORDER

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that the status conference in this matter, scheduled for March 25, 2021, is vacated. A new status conference is scheduled for April 22, 2021, at 10:00 a.m. The Court further finds, based on the representations of the parties and the request of all defense counsel, that the ends of justice served by granting the continuance outweigh the best interests of the public and the Defendants in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary attorney preparation taking into consideration the exercise of due diligence for the period from March 25, 2021, up to and including April 22, 2021.

IT IS SO ORDERED.

Dated: March 29, 2021


MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE

ORDER CONTINUING STATUS
CONFERENCE